

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

**TWENTY-SECOND LEGISLATIVE DAY  
MONDAY, FEBRUARY 2, 2009**

Senate Chamber

President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Winder and Siddoway, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kendra Knighten, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 30, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

President Pro Tempore Geddes was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 102

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND PROVIDING THAT ABRAHAM LINCOLN OF ILLINOIS IS HEREBY DECLARED TO BE THE HONORARY GOVERNOR OF THE FORMER TERRITORY OF IDAHO FOR THE DAY OF FEBRUARY 12, 2009.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the northwest states of Idaho, Oregon, Washington and Montana wish to collectively celebrate their

unique heritage and collective historic relationships with Abraham Lincoln; and

WHEREAS, Abraham Lincoln embodies the essence of the American spirit, guided his country through a period that preserved the nation and planned for peace "with malice toward none and charity for all"; and

WHEREAS, Abraham Lincoln, in 1849, was offered a presidential appointment to the governorship of the Oregon Territory, but declined that honor upon the recommendation of his wife Mary, so he could pursue his law practice; and

WHEREAS, the Oregon Territory in 1849, consisted of what are now the states of Oregon, Idaho, Montana and Washington; and

WHEREAS, Abraham Lincoln, perhaps by not taking the position of governor of the Oregon Territory and remaining involved in national issues in Illinois, did become the sixteenth President of the United States; and

WHEREAS, the Washington Territory was divided during the Lincoln administration in 1863, to create the Idaho Territory and the Idaho Territory was divided in 1864, to create the Montana Territory; and

WHEREAS, Abraham Lincoln as president attended the meeting at which the name "Idaho" was chosen for a new territory, lobbied congress to accomplish passage of the Idaho Act, signed the bill creating the Idaho Territory on March 4, 1863, and appointed the first two territorial governors and thirteen other men to judicial and federal office in Idaho prior to April 14, 1865; and

WHEREAS, among Lincoln's last official acts in the White House on the final day of his life was the authorizing of additional appointments to fill vacancies in office for the Idaho Territory; and

WHEREAS, President Lincoln also contributed to the development of the states of Oregon, Idaho, Montana and Washington by his support of the Homestead Act, the establishment of land grant colleges and the launching of a transcontinental railway; and

WHEREAS, the legislative assemblies of these four northwestern states wish to honor President Abraham Lincoln on his 200th anniversary of his birth and bestow upon him the honor which he was unable to take in 1849.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Abraham Lincoln of Illinois is hereby declared to be the Honorary Governor of the former Idaho Territory for the day of February 12, 2009, with the thanks and appreciation, posthumously bestowed, by the citizens of the great state of Idaho for the attainments of his public service career, which could have, but did not include presiding as Territorial Governor over the landmass and then inhabitants of this area.

[SCR 102](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 2, 2009

The JUDICIARY AND RULES Committee reports that [S 1053](#), [S 1054](#), and [S 1055](#) have been correctly printed.

DARRINGTON, Chairman

S 1053, S 1054, and S 1055 were referred to the Transportation Committee.

February 2, 2009

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Randal F. Rice to the Park and Recreation Board, term to expire June 30, 2014;

Gary D. Power to the Idaho Fish and Game Commission, term to expire June 30, 2012;

Wayne Wright to the Idaho Fish and Game Commission, term to expire June 30, 2012.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Megan Ronk to the Idaho Commission on Human Rights, term to expire July 1, 2010;

Brian Scigliano to the Idaho Commission on Human Rights, term to expire July 1, 2010;

Sheila A. Olsen to the Idaho Commission on Human Rights, term to expire July 1, 2011.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### **Messages from the Governor**

February 2, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Stroschein of Moscow, Idaho, was appointed as a member of the State Board

of Health and Welfare to serve a term commencing January 7, 2009, and expiring January 7, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

February 2, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Daniel Fuchs of Twin Falls, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 1, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

February 2, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mark Sweeney of Lewiston, Idaho, was appointed as a member of the Aeronautics Advisory Board to serve a term commencing January 31, 2009, and expiring January 31, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

February 2, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mark Funaiolo of Boise, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2009, and expiring February 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

The President announced that the STATE AFFAIRS Committee report relative to the Gubernatorial appointment of Vaughn Heinrich was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Fulcher, seconded by Senator Bock, the Gubernatorial appointment of Vaughn Heinrich as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Pursuant to Senate Rule 39(H), and prior to the vote, Senator Heinrich disclosed a possible conflict of interest under applicable law regarding the Vaughn Heinrich appointment.

The President announced that the STATE AFFAIRS Committee report relative to the Gubernatorial appointment of William Deal was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Kelly, the Gubernatorial appointment of William Deal as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Cameron was recorded present at this order of business.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1056**

##### **BY JUDICIARY AND RULES COMMITTEE**

##### **AN ACT**

RELATING TO THE STATE BOARD OF CORRECTIONS; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-209G, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THE DIRECTOR OF CORRECTION WITH CERTAIN AUTHORITY AND TO PROVIDE PROCEDURES.

##### **S 1057**

##### **BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO THE YOUTH EDUCATION ACCOUNT ADVISORY COMMITTEE; REPEALING SECTION 33-4703, IDAHO CODE, RELATING TO ADVISORY COMMITTEE ESTABLISHED.

##### **S 1058**

##### **BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO THE IDAHO WOMEN'S COMMISSION; REPEALING CHAPTER 60, TITLE 67, IDAHO CODE, RELATING TO THE IDAHO WOMEN'S COMMISSION.

##### **S 1059**

##### **BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO THE IDAHO STATE LOTTERY; AMENDING SECTION 67-7414, IDAHO CODE, TO INCREASE A CERTAIN INCENTIVE BONUS PAID TO LOTTERY GAME RETAILERS.

[S 1056](#), [S 1057](#), [S 1058](#), and [S 1059](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

[S 1041](#), [S 1043](#), and [S 1044](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

[S 1014](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, LeFavour, Lodge, Sagness (Malepeai), McGee, McKague, McKenzie, Mortimer, Smyser, Stegner, Thorsen (Stennett), Werk. Total - 27.

NAYS—Davis, Fulcher, Geddes, Jorgenson, Pearce, Schroeder. Total - 6.

Absent and excused—Siddoway, Winder. Total - 2.

Total - 35.

Whereupon the President declared [S 1014](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Tuesday, February 3, 2009.

BRAD LITTLE, President

Attest: RUSTI HORTON, Assistant Secretary of the Senate